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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,829	07/12/2000	Francis J. Kronzer	11301-0901	3150

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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS+5

Office Action Summary

Applicati n No.

09/614,829

Applicant(s)

KRONZER, FRANCIS J.

Examiner

Norca L. Torres-Velazquez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendments to claims 9 and 12-14 have been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by WILLIAMS et al. (US 6,410,200 B1).

WILLIAMS et al. discloses a coated transfer sheet comprising a substrate having a first and second surface; optionally at least one barrier layer overlaying the first surface, at least one release layer overlaying the barrier layer and an optional image receiving layer comprising an ethylene acrylic acid co-polymer dispersion; wherein the coated transfer sheet exhibits cold peel and hot peel properties when transferred. (Abstract) The reference invention relates to an image transfer paper which can be used in electrostatic printers and copiers or other devices in which toner particles are imagewise applied to a substrate, and having images which are capable of being directly transferred to, for instance, a receiver such as a textile, such as a shirt or the like. (Column 1, lines 17-23). The reference teaches that the substrate may be a nonwoven cellulosic support, or polyester film support, with overcoat layers such as an optional barrier layer comprising a polymer to prevent the toner from adhering to the support. (Column 3, lines 25-28) Further, the reference discloses that the substrate may be the base material for any printable material, such as described by KRONZER. (Column 4, lines 49-53). The substrate taught by WILLIAMS et al. equates to the base substrate claimed by Applicants on claims 2-5.

WILLIAMS et al. further teaches a barrier layer as an optional first coating on the substrate. The barrier layer also assists in releasing the optional image receiving layer and the release layer(s). The barrier layer, when necessary, is between the substrate and the release layer. Furthermore, in a preferred embodiment of the invention, the barrier layer is present as both cold and hot peelable coat, and remains with the support after transfer. The reference teaches the use of a thermoplastic polymer. Further, the barrier layer formulations taught by the present reference are compatible with the Examples for the meltable layers disclosed by Applicants in the Specification. (Column 6, lines 16 through Column 8, lines 1-47)

The reference further teaches that the release layer is formed on the substrate between an optional barrier layer and an optional image receiving layer. The release layer of WILLIAMS et al. facilitates the transfer of the image from the substrate to the receptor. (Column 8, lines 49-53) The image receiving layer functions as a retention aid for the image and is an acrylic coating. (Column 16, lines 36-43) The basis weight of the Image receiving layer may vary from about 2 to about 30 gsm. Desirably, the basis weight will be from about 3 to about 20 gsm. It typically will have a melting point of from about 65° C to about 180° C. (Column 17, lines 32-40)

It is further noted that the WILLIAMS et al. reference teaches that the release layer of their invention must provide the properties to effectively transfer the release layer and any images and/or optional layers thereon. (Column 8, lines 54-56)

Regarding claim 11, the WILLIAMS et al. reference teaches that textiles including cotton fabric, and cotton blend fabric are the preferable receptor elements for receiving the transferred image. When the image is transferred, the transfer element is optionally allowed to cool from one to five minutes. The substrate is then peeled away from the image, which is adhered to the receptor. (Column 20 lines 20-54) WILLIAMS et al.'s teachings anticipate claim 11, which requires the heat transfer material in combination with a fabric.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 7:30-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the

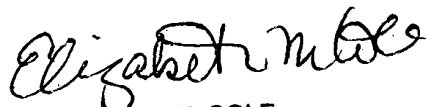
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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt

March 14, 2003


ELIZABETH M. COLE
PRIMARY EXAMINER